

Amendments to the Drawings:

Applicant encloses herewith three sheets of new drawings showing FIGS. 1-3E. These drawings are submitted in response to the issues stated in the Notice of Draftspersons Patent Drawing Review and are substantively identical to the originally filed drawings.

**REMARKS/ARGUMENTS:**

Applicant thanks the Examining Attorney for the Office Action dated June 16, 2006. In response, Applicant makes the above amendments and below remarks. After entry of this amendment, claims 13-17 and 19-25 are pending in the instant application. Claims 1-12 and 18 have been previously canceled. New claim 25 has been added.

The Examiner first rejected claims 13 and 19 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Particularly, the Examiner asserted that the cited language “having a hinge section” is confusing in that it is not clear whether the hinge section and the cutout elements are both parts of the strip of flexible material.

In response to the Examiner’s rejection under 35 U.S.C. § 112, second paragraph, and in order to clarify the meaning of the element “hinge section,” Applicant has amended the relevant portion of claim 13 to read as follows:

*at least one strip of flexible material having a hinge section and a plurality of cutout elements*, wherein said hinge section is attachable to a portion of at least one of said side panels, and said cutout elements are of sizes and shapes that simulate foliage.

Likewise, with regard to claim 19, Applicant has amended the relevant language as follows:

*at least one strip of flexible material having a hinge section and a plurality of cutout elements*, wherein said hinge section is attachable to at least one of the side panels, and said cutout elements are of sizes and shapes that simulate foliage; and

With regard to the amended language in claims 13 and 19, both recite “at least one strip of flexible material having a hinge section and a plurality of cutout elements” in each claim. This language

clearly indicates that the hinge section and the cutout elements are portions of the strip of flexible material. Furthermore, in each claim, this language is followed by further limitations that define the hinge section and the cutout elements.

A full explanation of the element “a hinge section” is provided in paragraph 5 of Applicant’s Detailed Description of the Invention, which states, “[c]utout elements 34 remain attached to the sleeve 16 by hinge section 37 which allows each leaf element 34 to move in relation to sleeve 16.” With reference to FIG. 2 of Applicant’s specification, the hinged section 37 is shown along the interior edge of the fringe 28 adjacent to the sleeve 16.

In light of Applicant’s amendments to claims 13 and 19, Applicant believes that these claims are no longer indefinite. Therefore, Applicant respectfully requests that the Examiner withdraw the rejection of claims 13 and 19 under 35 U.S.C. § 112, second paragraph.

The Examiner next rejected claims 13-17 and 19-24 under 35 U.S.C. § 103(b) as being unpatentable over Zheng, United States Patent No. 5,579,799 in view of Punch, United States Patent No. 5,762,085. The Examiner also rejected claims 13-17 and 19-24 under 35 U.S.C. § 103(a) as being unpatentable Wan, United States Patent No. 5,411,046 in view of Punch. As these rejections are closely analogous to one another, Applicant will respond to them concurrently.

In each rejection, the Examiner asserted that either the Zheng or Wan reference teaches a portable, collapsible enclosure comprising a plurality of flexible side panels, each having a frame including at least one foldable support element, at least one sheet of flexible material attaching a portion of the frame to form a side panel, at least one strip of flexible material forming a sleeve for receiving the foldable supporting elements and providing a hinge section for connecting two adjacent side panels together. The Examiner, in both rejections, went on to state that neither Zheng nor Wan

shows a plurality of cutout elements that simulate foliage connected to the hinge section. The Examiner then asserted that the cutout elements are taught and suggested by Punch.

With respect to both rejections, the Examiner interpreted the hinge section as being an element for connecting two adjacent side panels together. In responding to the Examiner's 35 U.S.C. § 112 rejection, Applicant has amended claims 13 and 19 to clarify that the hinge is a portion of the strip of flexible material upon which the cutout elements are defined. However, Applicant does not believe that the previous claim language was reasonably susceptible to the meaning that the Examiner attaches to it in making this rejection. Regardless, this point is moot in light of Applicant's clarification.

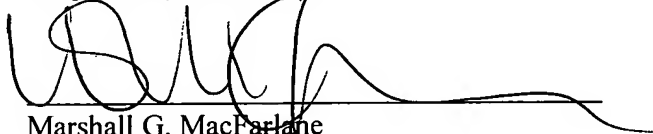
As claims 13 and 19 currently stand, the combination of either the Zheng '799 reference or the Wan '046 reference with the Punch '085 reference would not result in the Applicant's claimed invention. Punch discloses, essentially, a tent having a two-layer fabric cover. In particular, Punch discloses an interior layer 60 and an exterior layer 76. The exterior layer 76 of the Punch reference is essentially a netting material that covers the entire enclosure. As stated by the Punch reference, "the exterior layer 76 includes a plurality of holes, loops, etc., for allowing the attachment of both natural and artificial vegetation 78." Punch does not teach attaching a strip 35 of flexible material to a panel 12 of an enclosure along an edge, or hinge section, 37 of the strip 35 so as to attach cutout elements 34 to an enclosure 10. As stated in the fifth paragraph of Applicant's Detailed Description of the Invention, "[c]utout elements 34 remain attached to the sleeve 16 by hinge section 37 which allows each leaf element 34 to move in relation to sleeve 16." Punch discloses no such element. Thus, as properly understood, neither the combination of the Zheng reference with the Punch reference nor the combination of the Wan reference with the Punch reference would teach, disclose, or suggest all of

the elements of Applicant's invention, as stated in claims 13 and 19. Thus, Applicant respectfully requests that the Examiner withdraw their rejections to claims 13-17 and 19-24 under 35 U.S.C. § 103(a)

In order to more distinctly define the present invention, Applicant has added new claims 25. Applicant believes that none of the references of record, either alone or in combination, disclose the invention as claimed. Thus, Applicant believes that new claim 25 should be patentable.

Applicant respectfully requests entry of all of the above amendments and withdrawal of the rejections as described. Applicant believes that the application is in condition for immediate allowance and issue. The Examiner is invited to contact Applicant's undersigned Attorney at (734) 662-0270 with any questions regarding this paper.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Marshall G. MacFarlane', is written over a horizontal line.

Marshall G. MacFarlane  
Reg. No. 30,403

DATED: August 9, 2006